

JUN 25 1966

STATINTL

The Dodd Hearings

The hearings on charges of alleged misconduct by Senator Thomas J. Dodd of Connecticut demonstrate the difficulties that Congress has in policing itself.

The Select Committee on Standards and Conduct, established two years ago after the Bobby Baker case, has no staff to seek out wrongdoing on the part of members of the Senate; it merely considers material that has been brought to its attention. In the Dodd case, the committee is obviously embarrassed that it is investigating charges published by two newspaper columnists which, in turn, are based upon more than 4,000 letters and documents that four of Senator Dodd's former employees copied from his files.

The raiding of a Senator's files by his own staff is so irregular that almost certainly the Select Committee would not have accepted the documents if they had been offered to it in the first instance. And the United States Attorney might well have taken no action, since conduct may be unethical without being legally actionable. One of the highest functions of the press is to serve as a check on the conduct of public officials; that function is being performed in the Dodd case, regardless of its outcome.

Now that the case has become the subject of hearings, there are still ambiguities. Mr. Dodd has not lost his rights and privileges as a United States Senator. He is treated with more deference than a private citizen would receive who stood accused of comparable misconduct. Senator John Stennis, the committee chairman, has stated that Mr. Dodd will be called as a witness only if he asks to testify.

Yet even a member of the Senate is not entirely protected in this kind of proceeding. A hearing is not a courtroom trial. Hearsay evidence is permitted that would be inadmissible in court. Senator Dodd naturally protested when his former personal stenographer was allowed to testify about a conversation between two other persons concerning his alleged activities. His prompt demand that she be prosecuted for perjury is a reminder that although the hearing is not a trial, it can lay the basis for serious criminal charges.

There are no easy answers to these problems, but Congress could greatly simplify them if it required its members to disclose each year their income from all sources. Congress could also reform the laws on campaign expenditures and provide for their strict, independent enforcement. Once such an episode as the Dodd case does arise, Congress would do better to refer the matter to a special court of inquiry drawn from retired members of the judiciary rather than to a committee of its own members. This would minimize the importance of political interests and personal friendships or enmities in the conduct of the investigation. But no laws or changes in procedure will ever render unnecessary the vigilance of the press or the promptings of individual conscience.